

## **REMARKS**

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-8 are pending. Claims 1-7 stand rejected. Claim 8 is subjected to a restriction and/or election requirement. Claims 4-7 have been amended. Claims 1-3 and 8 has been cancelled and reserves the right to re-prosecute the patentability of the cancelled claims during the pendency of the instant application

Claim 8, as previously amended, is subjected to an election/restriction requirement for allegedly being directed to an invention independent or distinct from the invention claimed.

Applicant respectfully disagrees with, and explicitly traverses, the reason for the rejection. However, in order to advance the prosecution of this matter, claim 8 is cancelled and an election to continue the prosecution of claims 1-7 on the merits is requested.

Having elected to continue prosecution of claims 1-7, applicant submits that the reason for the election/restriction requirement has been overcome. Applicant respectfully requests that the election/restriction requirement be withdrawn.

Claims 5-7 stand rejected under 35 USC 112, second paragraph as being indefinite. More specifically, claims 5-7 "have the preamble '[a]n architecture-producing method according to claim 4' that extends the scope of the claims to another scope of the method of Claim 4."

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims. However, in order to advance the prosecution of this matter claims 5-7 have been amended to more clearly state the invention preamble. More specifically, the preamble has been amended to remove the terms "[a]n architecture-producing." No new matter has been added as the amendment has been made to place the claims in a form consistent with claim recitation consistent with current US patent practice.

Having amended the claims, applicant submits that the reason for the rejection has been overcome. Applicant respectfully requests that the rejection be withdrawn.

Claims 1-7 stand rejected under 35 USC 101 as the invention is directed to non-statutory subject matter. The Office Action states that the claims as a whole are merely reciting or claiming a programming per se.

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims. However, in order to advance the prosecution of this matter, claims 1-3 have been cancelled and independent claim 4 has been amended to more clearly state that a software architecture of a computer program suitable for execution on a processor is claimed. No new matter has been added. Support for the amendment may be found on at least page 1, lines 5-6, which state in part, "[i]t has become common to generate new software not by writing a [computer] program from scratch but by altering, or reusing components of, existing [computer] programs.

Having amended the claims to recite a method for producing software architecture of a computer program suitable for execution on a processor, applicant submits that the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Notwithstanding the amendment of the claims, applicant respectfully disagrees with, and explicitly traverses the examiner's reason for rejecting the claims. The law is clear in that "[w]hoever invents or discovers any new and useful process, machine, manufacture ... or any new and useful improvement thereof, may obtain a patent therefore." 35 USC §101. Claim 4 recites a new and useful process for adapting a software architecture. Contrary to the position taken in the Office Action, 35 USC §101 does not recite an abstract idea. In this case, the process claimed provides a useful, concrete and tangible result and, hence, is patentable subject matter.

Claims 1-7 stand rejected under 35 USC 102(b) as being anticipated by Walton ("R-Code A Very Capable Virtual computer, 1995).

With regard to claims 1-3, applicant has requested that these claims be cancelled and submits that the reason for the rejection is no longer applicable. Applicant respectfully requests that the rejection of these claims be withdrawn.

With regard to independent claim 4, this claim recites a "method of producing a new module-based software architecture of a computer program suitable for execution on

a processor\_ ... at least one module of said plurality being a module (M1) adapted to call another one (M3) of said plurality of modules using a reference (&M3) to said called module, wherein the reference (&M3) of the module to be called is supplied as an input to said calling module (M1), the method comprising the steps of:

removing at least one of said plurality of modules; and  
altering the value of inputs corresponding to the reference of the removed module."

Walton describes the development of a computer language, wherein, on page 25, section 2.3.1, which is referred to in the Office Action, teaches the organization of a memory as a sequence of objects, free blocks, and gaps. A gap is an unimplemented piece of memory and a free block is free to be allocated to objects. Each object, free block or gap has a non-zero positive integer length and an address which equals the sum of the lengths of the previous objects, free blocks and gaps. Objects contain pointers to other objects; the pointer to an object is in effect the address of the object. The different places where pointers can be stored, within an object are called pointer components. (emphasis added). Walton further teaches that an object is reachable if it is in the set of root objects or if it can be reached from the root set by following the pointers in the objects. Walton further teaches on page 31, section 2.4, which is referred to in the Office Action, a two level addressing wherein an "object number specifies an entry in a table called the object map, and this entry has the base address of the object... To update an object ... move the object, update the object map entry to point at the new address of the object." Walton further teaches on page 139, section 4.5.6, which is referred to in the Office Action, a "call instructions that allocates a set of registers for its argument list for the address of the routine being called."

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Walton cannot be said to anticipate the present invention, as recited in claim 4, because Walton fails to disclose each and every element recited in the claim. Rather, Walton teaches a computer language that allows simplification of changing or updating a program. However, contrary to the

statements made in the Office Action, Walton fails to anticipate the present invention as Walton fails to disclose the elements of a "reference (&M3) of the module to be called is supplied as an input to said calling module (M1)" or "altering the value of inputs corresponding to the reference of the removed module" when module is removed. Rather, Walton teaches an object map and that the object map is updated when an object is moved. The object map does not represent a reference to the module but the new location of the moved object. Furthermore, teaches that the objects include pointers within the module and the pointers are not provided as an input.

Having shown that Walton fails to disclose each and every element claimed, applicant submits that the reason for the rejection of claim 4 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.


The other claims in this application are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Gregory Thorne  
Registration No. 39,398

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By: ~~Steve Cha~~  
Attorney for Applicant  
Registration No. 44,069

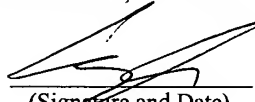
**Mail all correspondence to:**

Gregory Thorne, Registration No. 39,398  
US PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
Phone: (914) 333-9608  
Fax: (914) 332-0615

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Steve Cha, Reg. No. 44,069  
(Name of Registered Rep.)

  
(Signature and Date)